

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**C. A. NO. 04-CV-11838-PBS**

LAYLA KIANI

Plaintiff,

TRUSTEES OF BOSTON  
UNIVERSITY, et al.

Defendants.

**PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' MOTION TO  
DISMISS COUNTS I, II, AND V  
THROUGH X OF THE  
COMPLAINT, AND TO DISMISS  
THE INDIVIDUAL DEFENDANTS**

**ORAL ARGUMENT REQUESTED**

Plaintiff, Layla Kiani (“Ms. Kiani”), through her attorney, respectfully opposes the Defendants’ Motion to Dismiss Counts I, II, and V through X of Ms. Kiani’s Complaint, and to dismiss the individual Defendants, Cass, Mariner, Kull, and Marx in the entirety. In support of her Opposition, Ms. Kiani states ab initio that the parties have not conducted any discovery whatsoever, and therefore, Ms. Kiani is unable to adequately respond to the arguments put forth by the Defendants in support of their Motion to Dismiss.

Moreover, procedurally, since the Defendants' Motion to Dismiss is 27 pages long—considerably longer than permissible under the Local Rule 7.2(B)(4), she hereby moves for leave of Court to respond to the Motion by submitting a longer than permissible response. In the alternative, Ms. Kiani moves this Honorable Court to order the Defendants to reduce the number of the pages in order to comply with Court rules, and then resubmit the Motion.

The Defendants' Motion is in further violation of the Court's local rules, namely . Local Rule 7.1(A)(2), by failing to confer with the Plaintiff's counsel and not attempting in good faith to resolve or narrow the issue.

Substantively, the Defendants’ Motion completely fails to establish the requisite criteria for issuing relief. As set forth more fully below, the facts show that Ms. Kiani’s Complaint is based on judicially-discernable factual and legal issues, all of which would require the Court and a jury to decide on the merits of these issues. Moreover, Ms. Kiani



argues that the individual Defendants should not be dismissed because each and every one of the defendants has committed wrongful acts, which have harmed Ms. Kiani.

In further support of her Opposition, Ms. Kiani submits herewith a Memorandum of Law in Opposition to Defendants' Motion to Dismiss.

**REQUEST FOR ORAL HEARING**

This case raises novel issues of law in the somewhat un-chartered territory of academic setting. Ms. Kiani therefore requests an oral argument, pursuant to Local Rule 7.1 (D).

Dated: November 2, 2004

Respectfully submitted,  
Layla. Kiani, by her attorney

/S/ \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I, Ben Tahriri, Esquire, hereby certify that  
I have this 2<sup>nd</sup> day of November, 2004, served  
a true copy of the above document upon  
the Defendants' attorney of record by  
First Class Mail, postage prepaid.

/S/ \_\_\_\_\_  
Ben Tahriri, Esquire